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Martin Gutfleisch

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EXAMINER

ZIMMERMAN, JOSHUA D

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/923,696	Applicant(s) GUTFLEISCH ET AL.	
	Examiner JOSHUA D. ZIMMERMAN	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,5-13,15-17 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,5-13,15-17 and 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 13 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 13 and 25 as originally claimed were directed to embodiments of applicants' invention which make use of a gaseous clearing medium. However, as presently claimed, claims 13 and 25 require the use of a liquid clearing medium. The limitations in claims 13 and 25 are not described in the specification as being used with a liquid clearing medium, and therefore, as presently claimed, claims 13 and 25 constitute new matter.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 3, 6-9, 12, 15-17, 21-24 and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Sasaki et al. (US 2001/0006028).

Regarding claim 3, Sasaki et al. teach “a method for clearing a re-imageable printing form (paragraph 32), which comprises treating the printing form with a liquid (paragraph 32; water) clearing medium in a non-abrasive manner (paragraph 32), irreversibly clearing all image information on a surface of the printing form (paragraph 35. Examiner notes that the recovery of the super-ink repellency irreversibly clears the image information).”

Regarding claim 6, Sasaki et al. further teach “exposing the printing form to the effects of a heat source during the treatment thereof with the liquid clearing medium (paragraph 122).”

Regarding claim 7, Sasaki et al. further teach “providing at least one of an infrared laser, at least one heat emitter and at least one hot-air blower as the heat source (paragraph 122).”

Regarding claim 8, Sasaki et al. further teach “exposing the printing form to higher than normal atmospheric pressure during the treatment with the liquid clearing medium (paragraph 122. Since the water is at 120°C, which is above the normal boiling point of water, inherently, the atmospheric pressure must be above normal).”

Regarding claim 9, Sasaki et al. further teach “providing water as the fluid

clearing medium (paragraph 121)."

Regarding claim 12, Sasaki et al. further teach "applying the fluid clearing medium to the printing form from at least one sprayer (paragraph 121)."

Regarding claim 15, Sasaki et al. further teach "performing the steps thereof in one of a printing machine and a clearing device outside a printing machine (see figure 2)."

Regarding claim 16, Sasaki et al. disclose "a device (figure 2) for clearing a re-imageable printing form, comprising a device for applying liquid clearing medium to the printing form (item 17)."

Regarding claim 17, Sasaki et al. disclose "a device (figure 2) for clearing a re-imageable printing form washed free of ink (the device of Sasaki et al. is more than capable of performing this intended use), comprising a device for applying liquid clearing medium to the ink-free printing form (item 17)."

Regarding claim 21, Sasaki et al. further disclose "including a heat source for heating the printing form (the hot air blower of paragraph 122)."

Regarding claim 22, Sasaki et al. further disclose "wherein said heat source is at least one of an infra-red laser, at least one heat emitter, and at least one hot-air blower (paragraph 122)."

Regarding claim 23, Sasaki et al. further disclose "including a device for generating higher than normal atmospheric pressure in the environment of the printing form (paragraph 122. Since the water is at 120°C, which is above the normal boiling point of water, inherently, the atmospheric pressure must be above normal. As such, a

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device must inherently be provided to provide the higher pressure)."

Regarding claim 24, Sasaki et al. further disclose "wherein said device for applying liquid clearing medium to the printing form is a sprayer (paragraph 121; item 17)."

Regarding claim 26, Sasaki et al. disclose "a printing machine (figure 2) having a device for clearing a re-imageable printing form (item 17), comprising a device for applying liquid clearing medium to the printing form (item 17)."

5. Claims 3, 5, 15-17, 20-22 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al. (US 6796237).

Regarding claim 3, Schuster et al. teach "a method for clearing a re-imageable printing form (abstract), which comprises treating the printing form with a liquid clearing medium in a non-abrasive manner , irreversibly clearing all image information on a surface of the printing form (column 2, lines 54-57; column 3, lines 24-26 and 33)."

Examiner notes that the ultrasonic basin used by Schuster et al. will necessarily include a liquid.

Regarding claim 5, Schuster et al. further teach "treating the printing form with ultrasound during the treatment thereof with the fluid clearing medium (column 2, lines 54-57; column 3, lines 24-26 and 33)."

Regarding claim 15, Schuster et al. further teach "which includes performing the steps thereof in one of a printing machine and a clearing device outside a printing machine (inherently, the method of Schuster et al. must fit into one of these scenarios)."

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Regarding claim 16, Schuster et al. disclose “a device for clearing a re-imageable printing form (at least, the basin in column 2, lines 54-57), comprising a device for applying liquid clearing medium to the printing form (at least, the basin in column 2, lines 54-57).”

Regarding claim 17, Schuster et al. disclose “a device for clearing a re-imageable printing form washed free of ink (at least, the basin in column 2, lines 54-57; column 3, lines 25-32), comprising a device for applying fluid clearing medium to the ink-free printing form (at least, the basin in column 2, lines 54-57).”

Regarding claim 20, Schuster et al. further disclose “including an ultrasound source for irradiating the printing form with ultrasound (column 3, lines 33-34).”

Regarding claim 21, Schuster et al. further disclose “including a heat source for heating the printing form (column 4, lines 43-45).”

Regarding claim 22, Schuster et al. further disclose “wherein said heat source is at least one of an infra-red laser, at least one heat emitter, and at least one hot-air blower (column 4, lines 43-45).”

Regarding claim 26, Schuster et al. disclose “a printing machine (column 5, lines 1-4) having a device for clearing a re-imageable printing form, comprising a device for applying liquid clearing medium to the printing form (column 2, lines 54-57; column 3, lines 24-26 and 33).”

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. in view of Schuster et al.

Regarding claim 5, Sasaki et al. teach all that is claimed, as in claim 3 above, but fail to teach “treating the printing form with ultrasound during the treatment thereof with the liquid clearing medium.”

Regarding claim 20, Sasaki et al. teach all that is claimed, as in claim 16 above, but fails to disclose “including an ultrasound source for irradiating the printing form with ultrasound.”

However, Schuster et al. teach using an ultrasound basin to effectively clear a reimagable printing member of its image information (column 2, lines 54-59; column 3, lines 33-34).

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to modify the invention of Sasaki et al. to include an ultrasound basin to apply a clearing liquid to the printing form in order to effectively clear the image information from the printing plate.

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8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al.

Regarding claims 10 and 11, Schuster et al. teach all that is claimed, as in claim 3 above, but fail to mention using an acidic or alkaline liquid clearing medium.

However, Examiner takes Official Notice that it was known to add an acid or a base to water in order to increase the cleaning ability of the water.

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to add an acid or a base to the water of Schuster et al. in order to increase the cleaning ability of the water.

9. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al.

Regarding claims 10 and 11, Sasaki et al. teach all that is claimed, as in claim 3 above, but fail to mention using an acidic or alkaline liquid clearing medium. However, Examiner takes Official Notice that it was known to add an acid or a base to water in order to increase the cleaning ability of the water.

Therefore, at the time of the invention, it would have been obvious to one having ordinary skill in the art to add an acid or a base to the water of Sasaki et al. in order to increase the cleaning ability of the water.

Response to Arguments

10. Applicants' arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. ZIMMERMAN whose telephone number is (571)272-2749. The examiner can normally be reached on M-R 8:30A - 6:00P, Alternate Fridays 8:30A-5:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua D Zimmerman
Examiner
Art Unit 2854

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Examiner, Art Unit 2854